

AMENDED IN SENATE JUNE 22, 2011

AMENDED IN SENATE JUNE 10, 2011

AMENDED IN ASSEMBLY MARCH 21, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1133

Introduced by Assembly Member Silva

February 18, 2011

An act to add Section 916.2 to the Penal Code, relating to grand juries.

LEGISLATIVE COUNSEL'S DIGEST

AB 1133, as amended, Silva. Grand jurors: conflict of interest.

Existing law provides that a person is competent to act as a grand juror only if he or she possesses specified qualifications. Existing law specifies the exemptions and excuses which relieve a person from liability to serve as a grand juror. The jury commissioner is required to inquire into the qualifications of prospective grand jurors and return a list of recommended grand jurors to the court. No challenge shall be made or allowed to the panel from which the grand jury is drawn, nor to an individual, except when made by the court for want of qualification, as prescribed.

This bill would provide that, notwithstanding the above provisions, a grand juror who is a current employee of, or a former or retired employee last employed within the prior 3 years by, an agency within the investigative jurisdiction of the civil grand jury shall inform the foreperson and court of that fact and shall recuse himself or herself from participating in any grand jury civil investigation of that agency, including any discussion or vote concerning a civil investigation of that

agency. The bill would provide that this provision shall be in addition to any local *policies or* rules regarding conflict of interest for grand jurors.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 916.2 is added to the Penal Code, to read:
- 2 916.2. (a) Notwithstanding any other provision of law, a grand
- 3 juror who is a current employee of, or a former or retired employee
- 4 last employed within the prior three years by, an agency within
- 5 the investigative jurisdiction of the civil grand jury shall inform
- 6 the foreperson and court of that fact and shall recuse himself or
- 7 herself from participating in any grand jury civil investigation of
- 8 that agency, including any discussion or vote concerning a civil
- 9 investigation of that agency.
- 10 (b) This section shall be in addition to any local *policies or* rules
- 11 regarding conflict of interest for grand jurors.